

No. 25-1520

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

THOMAS E. OVERBY, JR. INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED; ABBY GEARHART, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED

Plaintiffs-Appellees,

v.

ANHEUSER-BUSCH, LLC,

Defendant-Appellant.

On Appeal from the United States District Court for the
Eastern District of Virginia at Newport News
Case No. 4:21-cv-00141-AWA-DEM

**PLAINTIFF-APPELLEE'S RESPONSE TO DEFENDANT-APPELLANT'S
MOTION FOR LEAVE TO PROCEED WITH THE JOINT APPENDIX AS
FILED**

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Pursuant to the Court's Notice issued on July 7, 2025 (Doc. 23), Plaintiff-Appellees hereby state as follows in response to Defendant-Appellant Anheuser-Busch, LLC's ("AB's) Motion for Leave to Proceed with the Joint Appendix as filed:

Plaintiffs take no specific substantive or procedural objection to AB's motion nor with the joint appendix as it has been currently filed. Rather, Plaintiff-Appellee's premise their objection to AB's Motion solely upon the Court's admonition to AB (in Doc. 21) that "[c]ondensed transcripts are not permissible in the appendix." Should the Court in its discretion wish to suspend or waive this requirement, Plaintiff-Appellees would not oppose such decision.

Accordingly, Plaintiff-Appellees' oppose the relief sought by AB only insofar as it appears to be contrary to the Court's stated requirements. Should those requirements be suspended or waived, Plaintiff-Appellees respectfully withdraw their opposition.

Respectfully submitted this July 7, 2025,

/s/ Robert W.T. Tucci

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Counsel for Appellees-Plaintiffs

CERTIFICATE OF COMPLIANCE

I hereby certify that this response (i) was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman type style, and (ii) contains 142 words. It therefore, complies with Federal Rule of Appellate Procedure 27(d).

/s/ Robert W.T. Tucci

Robert W.T. Tucci

Counsel for Appellees-Plaintiffs

CERTIFICATE OF SERVICE

I, Robert Tucci, hereby certify that on July 7, 2025, I electronically filed the foregoing response with the Clerk of the Court of the United States Court of Appeals for the Fourth Circuit by using the CM/ECF System. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

July 7, 2025

/s/ Robert W.T. Tucci
Robert W.T. Tucci